

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Trustee-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

SIPA Liquidation  
No. 08-01789 (SMB)  
(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the  
Liquidation of Bernard L. Madoff Investment  
Securities LLC,

Trustee,

v.

NATIXIS, NATIXIS CORPORATE &  
INVESTMENT BANK (f/k/a IXIS  
CORPORATE & INVESTMENT BANK),  
NATIXIS FINANCIAL PRODUCTS, INC.,  
BLOOM ASSET HOLDINGS FUND, and  
TENSYS LIMITED,

Defendants.

Adv. Pro. No. 10-05353 (SMB)

**DECLARATION OF JOSEPH CIOFFI IN SUPPORT OF  
NATIXIS S.A.'S AND BLOOM ASSET HOLDINGS FUND'S  
MOTION TO DISMISS BASED ON EXTRATERRITORIALITY**

I, JOSEPH CIOFFI, declare pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am a partner with the law firm of Davis & Gilbert LLP, attorneys for Natixis S.A. (in its own capacity and as successor-in-interest to IXIS Corporate & Investment Bank), Natixis Financial Products LLC (as successor-in-interest to Natixis Financial Products Inc.) and

Bloom Asset Holdings Fund (“Bloom”). I submit this declaration in connection with Natixis S.A.’s and Bloom’s Supplemental Reply Memorandum of Law in Support of Their Motion To Dismiss Based on Extraterritoriality (the “Reply”).

2. Attached hereto as Exhibit 1 is a true and correct copy of a letter from Lou Milano of Natixis Securities North America, Inc. to Kelly McCormick of the Financial Industry Regulatory Authority, dated February 6, 2009 (the “Letter”). The Letter was referenced by the Trustee in paragraph 20 of the Proffered Allegations Pertaining to the Extraterritoriality Issue as to Natixis S.A., Bloom and Tensyr Limited, filed in this adversary proceeding on June 27, 2015, Dkt. No. 102. The Letter is being submitted without exhibits, which are voluminous and not relevant to the issues raised in the Reply.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: September 30, 2015  
New York, New York

By: /s/ Joseph Cioffi  
Joseph Cioffi